

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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ORDER

June 15, 2010

BEFORE

FRANK H. EASTERBROOK, Chief Judge

JOEL M. FLAUM, Circuit Judge

DIANE P. WOOD, Circuit Judge

No.: 10-8021	DONALD VANCE, NATHAN ERTEL, Plaintiffs - Appellees v. UNITED STATES OF AMERICA, Defendant - Appellant
Nos.: 10-1687 & 10-2442	DONALD VANCE and NATHAN ERTEL, Plaintiffs - Appellees v. DONALD H. RUMSFELD and the UNITED STATES OF AMERICA, Defendant - Appellant
Originating Case Information:	
District Court No: 1:06-cv-06964 Northern District of Illinois, Eastern Division District Judge Wayne R. Andersen	

The following is before the court:

1. **PETITION OF THE UNITED STATES FOR PERMISSION TO APPEAL INTERLOCUTORY ORDER PURSUANT TO 28 U.S.C. §1292(b)**, filed on June 7, 2010.

- over -

Appeal Nos. 10-1687, et al.,

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2. **RENEWED MOTION TO HOLD CASE IN ABEYANCE AND MOTION TO CONSOLIDATE**, filed on June 11, 2010,

IT IS ORDERED that #1 is **GRANTED**. The appeal shall be entered on this court's general docket.

IT IS FURTHER ORDERED that #2 is **GRANTED** to the extent that the appeal permitted by this court's grant of #1 shall be consolidated with appeal no. 10-1687 for briefing and decision. It is accordingly unnecessary to act on the request to hold in 10-1687 in abeyance. Briefing in the consolidated appeals 10-1687 and 10-2442 shall proceed as follows:

1. Appellants' joint brief is due on or before July 14, 2010 for Donald H. Rumsfeld and the United States.
2. Appellees' brief is due on or before August 13, 2010 for Donald Vance and Nathan Ertel.
3. Appellants' reply brief, if any, is due August 27, 2010 for Donald H. Rumsfeld and the United States.

Note: Circuit Rule 31(e) (amended Dec. 1, 2001) requires that counsel tender a digital copy of a brief, from cover to conclusion, at the time the paper copies are tendered for filing. The file must be a text based PDF (portable document format), which contains the entire brief from cover to conclusion. Graphic based scanned PDF images do not comply with this rule and will not be accepted by the clerk.

Rule 26(c), Fed. R. App. P., which allows three additional days after service by mail, does not apply when the due dates for briefs are specifically set by order of this court. All briefs are due by the dates ordered.

Important Scheduling Notice !

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).

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Teste:

Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

